

United States District Court, Northern District of Illinois

8

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 4956	DATE	9/5/2002
CASE TITLE	Dorothy J. Thomas vs. The State of Illinois et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff moves for leave to appeal in forma pauperis and, by various motions, for reconsideration of this court's prior decisions. Those motions are denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	U.S. DISTRICT COURT 02 SEP - 6 PM 2:02 Date/time received in central Clerk's Office	1- Appeal Cllc. number of notices	Document Number 16
No notices required.		SEP 09 2002 date docketed	
Notices mailed by judge's staff.		docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY J. THOMAS,

Plaintiff,

vs.

THE STATE OF ILLINOIS, et al.,

Defendants.

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No. 02 C 4956

DOCKETED
SEP 09 2002

MEMORANDUM OPINION AND ORDER


Plaintiff moves for leave to appeal *in forma pauperis* and, by various motions, for reconsideration of this court's prior decisions. Those motions are denied.

If we believe we properly denied leave to proceed *in forma pauperis* before this court, then we should deny the petition to so proceed on appeal. And we believe we properly denied leave. Plaintiff cites Smith v. Organization of Foster Families for Equality & Reform, 431 U.S. 816 (1977), for the proposition that she has a clearly established right to due process. But a majority of the Supreme Court there only assumed, but did not hold, that foster parents in New York had a liberty interest in their status, thus triggering due process rights, and then held that New York afforded adequate due process procedures. The Seventh Circuit in Procopio v. Johnson, 994 F.2d 325 (7th Cir. 1993), held that the Illinois statutes did not create a liberty interest in the foster family relationship, and we are bound by that ruling. Plaintiff may possibly be correct that her biological status as grandmother may create a liberty interest, but that is by no means a clearly established constitutional right. Accordingly, the state actors are shielded from personal liability by the doctrine of qualified immunity, a doctrine recently

16

recognized in somewhat related circumstances in Doyle v. Camelot Care Centers, Inc., No. 01-2098 and No. 01-2359, ___ F.3d ___ (7th Cir. 2002).

Sept. 5, 2002.



JAMES B. MORAN
Senior Judge, U. S. District Court